

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RICO PERRY,

Plaintiff,

v.

BRIAN HIGGINS et al.

Defendants.

Civil Action No. 1:23-cv-10228-WGY

PLAINTIFF'S MOTION FOR RULE 16 CONFERENCE

NOW COMES the plaintiff in the above-entitled action, Rico Perry, and, pursuant to Fed.R.Civ.P. 16, requests the Court to hold a case management conference in this matter at the earliest opportunity. The reason is that this case has been pending for almost two years and requires attention. It is a serious case, involving substantial issues and extensive personal injury. There is a need to improve communication between the parties to avoid unnecessary duplication of effort.

Earlier this year, plaintiff sought to amend his complaint by adding the Commonwealth of Massachusetts as a party. The Commonwealth was served with the proposed complaint, but never responded to the motion to amend. Yet, without any argument by the Commonwealth, the Court determined that the proposed complaint did not state a cause of action against the Commonwealth. The Court did not explain why it reached this decision. With no argument and

no explanation of the decision, plaintiff does not know why the Court determined that his complaint was insufficient.

The need for transparency is especially important at this time. Plaintiff's counsel has spoken with counsel for defendants Higgins and Medeiros. His clients have recently been served with the complaint. Defendants' counsel has indicated that he plans to file further motions in this case. If he does, plaintiff's counsel will file a cross-motion to amend his complaint.

If the Court issues a ruling explaining its earlier decision on the motion to amend, the parties will be better informed about the Court's reasoning. This will help the parties to avoid repeating their earlier mistakes.

Respectfully submitted,
Plaintiff,
By his attorneys,

/s/David M. Hass
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Dated: December 12, 2024

CERTIFICATE OF SERVICE

I, David M. Hass, hereby certify that I have filed the foregoing pleading with the Court via its ECF system, which will, upon information and belief, forward a true and correct copy of the same to all counsel of record.

/s/ David M. Hass

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 15.1

I, David M. Hass, attorney for the plaintiff, hereby certify that on or about June 24, 2024, I served the Motion to Amend Complaint upon the new parties as required by Local Rule 15.1.

By his attorney,

/s/ *DAVID M. HASS*

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